

## **REMARKS**

### **Summary of the Examiner's Actions**

The examiner objected to the drawings for failing to comply with 37 C.F.R. § 1.84(p)(5) because they did not include certain reference numerals mentioned in the description. Applicant acknowledges the objection to the drawings.

The examiner objected to the abstract of the disclosure. Applicant acknowledges the objection to the abstract.

The examiner objected to Claims 1-19 because of certain informalities relating to the use of the word "said" and for a punctuation error. Applicant acknowledges the objections to the claims.

The examiner has allowed Claims 1-19, subject to overcoming the objections. Applicant appreciates such indication.

### **Objection to the Drawings**

The specification describing Figure 2 has been amended to remove reference to the reference numerals not appearing in Figure 2. The corresponding grammatical changes necessary to ensure proper subject-verb agreement have been made. No new matter has been entered. Accordingly, the examiner's objections to the drawings under 37 C.F.R. § 1.84(p)(5) have been traversed.

### **Objection to the Abstract**

The abstract as presented complies with 37 C.F.R. § 1.72(b), section 608.01(b) of the Manual of Patent Examining Procedure, and the conventions accepted by patent practitioners. The practice of beginning the specification with a phrase is acknowledged in section 608.01(b) in two of the sample abstracts found on page 600-64 in the 8th edition of the Manual of Patent Examining Procedure. Applicant has

considered the preference of the examiner but has elected to avoid adding to the prosecution history by making unnecessary changes to the specification. Accordingly, Applicant respectfully requests that the examiner withdraw the objection to the abstract.

### **Objections to the Claims**

The examiner suggested changing the word "said" to "the" with respect to certain phrases used in Claims 1, 4, 5, 6, 8, 9, 10, 12, 14, 18, and 19. Applicant notes that the accepted convention among patent practitioners is to use the article "said" when making subsequent references to a claimed element and to use the article "the" when making subsequent references to anything else, i.e., an unclaimed element. Specific usages are discussed below.

In a telephone interview held on January 20, 2004, the examiner indicated that the objections to the use of the word "said" in Claims 1, 4, 5, 6, 8-10, 12, 14, 18, and 19 was based on a preference of the examiner. The examiner has suggested that the phrase "said at least one sensor" be changed to "the at least one sensor." Independent Claims 1 and 10 affirmatively recite "at least one sensor" as the second element. Claims 4, 5, 6, and 8 depend from Claim 1 and Claims 12, 14, and 18 depend from Claim 10. Each of these claims 1, 4, 5, 6, 8, 10, 12, 14, and 18, make subsequent reference to the "at least one sensor," which properly suggests the use of the article "said." The examiner has also suggested that the phrase "said activity identification" be changed to "the activity identification." Similarly in Claims 9 and 19, the examiner has suggested that the phrase "said logical ones and zeros" be changed to "the logical ones and zeros." In both cases, the phrases refer to signals produced by the claimed system. Claims 1, 9, and 19 make subsequent reference to one of the signals, which properly suggests the use of the article "said." Applicant has considered the preference of the examiner but has elected to avoid adding to the prosecution history by making unnecessary changes to the claims. Accordingly, Applicant respectfully requests that the examiner withdraw the objections to Claims 1, 4, 5, 6, 8-10, 12, 14, 18, and 19 based upon linguistic preferences.

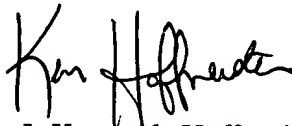
Applicant has amended Claim 10 to delete the unnecessary adjective "monitoring" from the phrase "said monitoring system." This amendment makes the terminology consistent with that of Claim 1 to which the examiner did not object. Applicant has amended Claim 11 to follow proper grammatical conventions and end the sentence with a period. Accordingly, the examiner's objections to Claims 10 and 11 have been traversed. For those objections not specifically traversed, Applicant respectfully requests that the examiner withdraw the objections to the claims.

### **Summary**

In view of the amendment of the specification, the amendment of Claims 10 and 11, and the arguments presented herein, it is believed that the above-identified patent application is in a condition for the issuance of a Notice of Allowance. Such action by the examiner is respectfully requested. If, however, the examiner is of the opinion that any of the drawings or other portions of the application are still not allowable, it will be appreciated if the examiner will telephone the undersigned to expedite the prosecution of the application.

Please charge any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 16-1910.

Respectfully submitted,



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